(EMB-7337)
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Our File No. 1967-001

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON DIVISION

INTERACTIVE MEDIA ENTERTAINMENT AND GAMING ASSOCIATION, L.L.C., a limited liability corporation of the State of New Jersey,	:	CIVIL ACTION
	:	Case Number 07-2625 (MLC)
Plaintiff,	:	ORDER FOR PRELIMINARY INJUNCTION AGAINST ENFORCEMENT OF 31 *U.S.C.* §5361, *et seq.,* OR ADOPTION OF REGULATIONS AND SETTING MATTER DOWN FOR HEARING AS TO CONSTITUTIONALITY.
-vs-	:	
ALBERTO GONZALES, Attorney General of the United States, THE FEDERAL TRADE COMMISSION and THE FEDERAL RESERVE SYSTEM,	:	
Defendants.	:	

THIS MATTER, having been opened to the court by Eric Martin Bernstein, Esquire, Eric M. Bernstein & Associates, L.L.C., attorneys for Plaintiff, on notice to Christopher J. Christie, Esquire, United States Attorney, District of New Jersey; to Defendant Board of Governors of the Federal Reserve System; Defendantt Alberto Gonzales, Attorney General of the United States; and, Defendant Federal Trade Commission; and, the court, having heard the arguments of counsel on _______________, 2007, and considered the briefs, affidavits, certifications and

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exhibits submitted by the parties in support of their positions; and, the court having made the following findings in relation to this matter:

1. Plaintiff is a trade association which represents businesses and individuals who engage in business on the Internet; and,

2. Some of the businesses and individuals represented by Plaintiff operate Internet Casino websites; and,

3. On the Internet Casino websites, individual persons can engage in gambling for money or things of value; and,

4. The primary means by which individual persons engage in gambling at Internet Casino websites is through payment system instruments, mainly credit cards and debit cards; and,

5. Congress enacted the Unlawful Internet Gambling Enforcement Act, 31 *U.S.C.* §5361, *et seq.*, which criminalizes the use of payment system instruments to transfer funds which will be used for gambling if the funds are transferred in whole or part through use of the Internet; and,

6. Plaintiff has standing to present a challenge to the Unlawful Internet Gambling Enforcement Act, 31 *U.S.C.* §5361, *et seq.*; and,

7. The court has jurisdiction to consider the claims of the Plaintiff; and,

8. After considering the proofs in this matter to date, the court determines that: (1) there is a substantial likelihood that Plaintiff will prevail on the merits; (2) Plaintiff's members and those whose interests are represented will suffer irreparable injury unless the injunction issues; (3) the threatened injury to First Amendment protected rights

outweighs the lack of damage if the Unlawful Internet Gambling Enforcement Act is not restrained; and, (4) an injunction, if issued, is not adverse to the public interest;

NOW, THEREFORE, it is ordered this ___________ day of ___________, 2007:

1. That a Temporary Restraining Order preventing the Defendants, or each or all of them, jointly, severally or in the alternative, from enacting and/or enforcing any and all provision(s) of the Unlawful Internet Gambling Enforcement Act, 31 *U.S.C.* §5361, *et seq.*, is hereby issued until further order of the court; and,

2. It is further ordered that Temporary Restraining Order preventing the Defendants, or each or all of them, jointly, severally or in the alternative, from proposing, publishing, or adopting any regulation, rule, statute, law and or any other procedure for enforcing any and/or all of the provision(s) of the Unlawful Internet Gambling Enforcement Act, 31 *U.S.C.* §5361, *et seq.*, is hereby issued until further order of the court; and,

3. It is further ordered that the Clerk of the District Court shall set the Cause down for hearing as to why the Unlawful Internet Gambling Enforcement Act, 31 *U.S.C.* §5361, *et seq.*, should not be declared unconstitutional in its entirety.

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MARY L. COOPER, U.S.D.J.